



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Conservator Perez, Idalia (Pro Per – Mother – Conservator – Petitioner)

Fifth Account and Report of Conservator and Petition for Order Authorizing Payment of Conservator's Fees on Account and Cancellation of Conservatorship Bond

		<p>IDALIA PEREZ, Mother and Conservator of the Person and Estate with bond of \$167,000.00, is Petitioner.</p> <p>Account period: 5/1/13 – 4/30/15</p> <p>Accounting: \$207,799.76 Beginning POH: \$ 81,821.95 Ending POH: \$113,583.74 (cash)</p> <p>Conservator Compensation: \$24,000.00 for caregiver compensation and \$16,800 room and board (paid) Petitioner states she was previously authorized per the Court's order of 9/23/13 to make monthly payments to herself as conservator of \$1,000.00/month for caregiver services and \$700.00/month for room and board. Petitioner requests the Court authorize continuance of these payments through the next account period.</p> <p>Bond: Petitioner states her bond of \$167,000.00 has been in place since 2009 and was renewed in April 2014 for a period of five years at a cost of \$4,703.00. Petitioner states the conservatee's financial situation has stabilized during this account period and Petitioner has carefully reduced the conservatee's expenditures while maintaining his quality of life. Petitioner desires to ensure the conservatee's future happiness and well-being by building up the assets in preparation for when she will no longer be able to fulfill the roles of conservator and primary caregiver. For this purpose, Petitioner requests authority to cancel the conservatorship bond and request reimbursement to the estate of a prorated portion of the bond premium. Petitioner cites the most recent CI Report as noting that the family has a loving relationship and a strong and supportive family network.</p> <p>Petitioner requests an order:</p> <ol style="list-style-type: none"> 1. Approving, allowing, and settling this account and report as filed; 2. Authorizing continued compensation of \$1,000/month for caregiver services and \$700.00/month for room and board; 3. Authorizing Conservator to cancel the bond and request reimbursement for the prorated portion already paid; and 4. For such other relief as the Court deems proper. 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Minute Order 8/20/15:</u> Examiner notes provided in open court; Ms. Perez is advised that the bond will not be cancelled and must continue in full force and effect.</p> <p><u>Note:</u> All issues have now been cured. The following remains noted for reference:</p> <ol style="list-style-type: none"> 1. Based on the POH, plus the conservatee's income and cost of recovery, Examiner calculates bond should be increased to at least \$180,305.95 (an increase of \$13,305.95). <p><u>Note:</u> If granted, the Court will set a status hearing for the filing of the 6th Account as follows:</p> <ul style="list-style-type: none"> • Thurs, June 29, 2017 <p>If filed pursuant to Local Rule 7.5, the status hearing will come off calendar.</p>	
Cont. from 082015				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
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	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
✓	2620(c)			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
		<p>Reviewed by: skc</p> <p>Reviewed on: 9/29/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 1 – Perez</p>		

Attorney Kruthers, Heather H. (for Petitioner Public Guardian, Conservator)

**Second Account Current and Report of Conservator and Petition for
Allowance of Compensation to Conservator and Attorney**

		<p>PUBLIC GUARDIAN, Conservator of the Person and Estate, is Petitioner.</p> <p>Account period: 4/18/2013 – 7/17/2015</p> <p>Accounting - \$178,562.09 Beginning POH - \$122,036.76 Ending POH - \$77,818.22 (\$74,890.21 is cash)</p> <p>Conservator - \$5,413.20 (40.95 Deputy hours @ \$96/hr and 19.50 Staff hours @ \$76/hr)</p> <p>Attorney - \$2,500.00 (per Local Rule 7.16)</p> <p>Bond fee - \$513.54 (OK)</p> <p>Petitioner prays for an Order:</p> <ol style="list-style-type: none"> 1. Approving, allowing and settling the Second Account; 2. Authorizing the conservator commissions and attorney fees; 3. Authorizing payment of the bond fee. <p>Court Investigator's Report filed 6/30/2015.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: If the <i>Petition</i> is granted, Court will set a status hearing as follows:</p> <ul style="list-style-type: none"> • Thursday, September 7, 2017 at 9:00 a.m. in Dept. 303 for filing of the third account. <p>Pursuant Local Rule 7.5, if the document noted above is filed 10 days prior to the date listed, the hearing will be taken off calendar and no appearance will be required.</p>	
Cont. from				
	Aff.Sub.Wit.			
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	Duties/Supp			
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	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
		<p>Reviewed by: LEG</p> <p>Reviewed on: 9/28/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 2 - Lee</p>		

**Burnside, Leigh W. (for Randy Woodrum – Conservator – Petitioner)
Second and Final Account, Report of Conservator and Petition for Its Settlement, for
Allowance of Attorneys' Fees and Costs, Delivery of Remaining Assets to Conservatee's
Beneficiaries Pursuant to Probate Code Section 12100 Declaration and by Beneficiary
Designation; and Termination of Conservatorship Proceedings**

DOD: 6/16/15		RANDY WOODRUM , Conservator with bond of \$724,457.79, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 7/1/14 – 6/16/15	<p>1. Petitioner states the Conservatee's two surviving sons are the named beneficiaries under the Morgan Stanley account and requests that the Court authorize distribution of the account to them. However, the following issues exist:</p> <p>First, pay on death accounts do not require Court authorization. Typically, an account with a named pay on death beneficiary will be distributed by the institution, and the accounting will reflect such distribution, as it is done outside the Court's jurisdiction.</p> <p>Second, no proof of beneficiary designation is provided.</p> <p>Therefore, need clarification and authority for this request.</p> <p>2. Need trustee declaration pursuant to Local Rule 7.12.5 in connection with the request for distribution of the Citibank account pursuant to §13100.</p>
		Accounting: \$670,465.93	
		Beginning POH: \$580,765.89	
		Ending POH: \$575,152.37	
<input type="checkbox"/>	Aff.Sub.Wit.		
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<input type="checkbox"/>	Citation		
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		Account period: 6/17/15 – 7/21/15	
		Accounting: \$583,231.20	
		Beginning POH: \$575,152.37	
		Ending POH: \$582,323.87	
		(\$42,999.03 cash plus various investments)	
		Conservator: Waived	
		Attorney: \$6,994.00 (for 6 attorney hours @ \$370/hr and 34.10 paralegal hours @ \$140/hr itemized in the declaration for services in connection with the first account and the second and final account, and services upon the death of the Conservatee including recording, etc.)	
		Costs: \$485.00 (filing, lodge will)	
		Closing: \$4,000.00 (for any liabilities determined to be due from the conservatorship estate)	
		Petitioner states the Conservatee died testate on 6/16/15. Most assets are located in a Morgan Stanley account which names the Conservatee's surviving sons, Robert Woodrum and Randall Woodrum, as beneficiaries. The remaining asset, an account at Citibank, has a balance of less than \$150,000.00 and will be transferred to the beneficiary under the will per Probate Code §13100 (affidavit attached).	
		<u>SEE ADDITIONAL PAGES</u>	
		Reviewed by: skc	
		Reviewed on: 9/28/15	
		Updates:	
		Recommendation:	
		File 3 – Woodrum	

Page 2

Petitioner states conservatorship is no longer necessary and requests that the conservatorship be terminated.

Petitioner requests that he be authorized to distribute the assets held in the Morgan Stanley account to the Conservatee's two surviving sons, the named beneficiaries thereunder, as set forth in the petition.

Petitioner further requests that all remaining assets in the conservatorship estate in the amount of \$28,565.63 be transferred to the beneficiary of the estate under Probate Code §13100, Randall D. Woodrum, Trustee of the Woodrum Family Trust of 6/24/98.

Petitioner prays for judgment of this Court that:

1. **Notice of hearing of this account, report and petition be given as required by law;**
2. **The Court make an order approving, allowing and settling the second and final account and report of Conservator as filed;**
3. **Petitioner be authorized to pay the law firm of Dowling Aaron Incorporated attorney's fees of \$6,994.00 and reimburse expenses of \$485.00;**
4. **Petitioner be authorized to withhold a reserve of \$4,000.00 for closing expenses and deliver the unused part to Randall D. Woodrum, trustee of the Woodrum Family Trust of 6/24/98, as amended and restated, without further court order;**
5. **The Court authorize and direct Conservator to transfer and deliver the assets held in the Morgan Stanley account to the named beneficiaries and to file proper receipts with the Court in connection with same;**
6. **The Court authorize and direct Conservator to transfer and deliver all remaining property held by the conservatorship estate to the beneficiary under the will pursuant to the Probate Code §13100 declaration filed in this proceeding, and to file a proper receipt with the Court in connection with same;**
7. **The Conservatorship is terminated; and**
8. **Such further orders be made as the Court deems proper.**

Mother Carrillo, Whittnie (Pro Per – Mother – Petitioner)

Guardian Musgrave, Shelly A. (Pro Per – Paternal Grandmother – Guardian)

Petition for Termination of Guardianship

See petition for details.			NEEDS/PROBLEMS/ COMMENTS:
			<p><u>Minute Order 7/30/15:</u> The minor remains in ICU due to emergency surgery; matter continued to allow time for his recovery, after which the Court is inclined to grant the petition.</p> <p>The following issue remains noted:</p> <p>1. The server's information is not on the proofs of service for the relatives. See Notices of Hearing filed 7/10/15. The Court may require amended proofs of service.</p>
Cont. from 061515, 072015, 073015			
	Aff.Sub.Wit.		
✓	Verified		
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	Letters		
	Duties/Supp		
✓	Objections		
	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 9/28/15
			Updates:
			Recommendation:
			File 4 - Musgrave

Attorney

Logoluso, Timothy V. (for Betty Farmer – Conservator – Petitioner)

First Account and Report of Conservator; Allowing Fees to Conservator of the Estate and

Attorney for Conservator, Allowing Conservator to Invade Conservatee's 401(k) Plan to Assist in

Providing for Conservatee's Care and Finding that Conservatee Lacks the Ability to Vote

Cont. from 081915		
	Aff.Sub.Wit.	
✓	Verified	
✓	Inventory	
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	Not.Cred.	
✓	Notice of Hrg	
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	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
✓	Letters	
✓	Duties/Supp	
	Objections	
	Video Receipt	
✓	CI Report	
✓	2620(c)	
✓	Order	X
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

NEEDS/PROBLEMS/COMMENTS:

OFF CALENDAR
 Amended petition filed 9/10/15 is set for hearing on 10/20/15.

Reviewed by: skc
Reviewed on: 9/28/15
Updates:
Recommendation:
File 5 – Hendricks

Attorney Gin, Robert W. (for David N. Washington, Jr., Conserator)

Probate Status Hearing Re: Filing of the First Account

		DAVID N. WASHINGTON, JR., son, was appointed Conservator of the Person and Estate on 4/30/2014 with increased bond.	NEEDS/PROBLEMS/COMMENTS:
		<i>Proof of Increased Bond was filed 6/6/2014, and Letters issued on 6/6/2014.</i>	1. Need first account of the conservatorship estate, or a verified status report and proof of service of notice of the status hearing with a copy of the status report to all interested parties pursuant to Local Rule 7.5(B).
Cont. from		<i>Final Inventory and Appraisal filed 7/3/.</i>	
	Aff.Sub.Wit.		
	Verified	Pursuant to Probate Code § 2620(a), first account was due on 6/6/2015.	
	Inventory		
	PTC	<i>Minute Order dated 4/30/2014</i> from the hearing on the amended petition for appointment set the matter for status hearing on 10/1/2015 for filing of the first account of the conservatorship.	
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt	X	Reviewed by: LEG
	UCCJEA		Reviewed on: 9/28/15
	Citation		Updates:
	FTB Notice		Recommendation:
			File 6 – Baker

Petitioner

Murray, Melinda (pro per – Conservator)

Petitioner

Welch, Melanie Lynne Ratliff (pro per – Conservator)

First Account of Conservator of the Estate and Person

		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>OFF CALENDAR</u></p> <p>Amended First Account filed 09/16/15 and set for hearing on 10/27/15</p>	
Cont. from 082015			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
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✓	Notice of Hrg		
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	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
	2620(c)		x
	Order		x
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		Reviewed by: JF	
		Reviewed on: 09/28/15	
		Updates:	
		Recommendation:	
		File 7 – Ratliff	

Attorney Lowe, Gregory R., of Santa Barbara (for Administrator Alan W. Lowe)

Probate Status Hearing Re: First Account and Petition for Final Distribution

DOD: 11/9/2013	ALAN W. LOWE , son, was appointed Administrator with Full IAEA authority without bond on 8/7/2014.	NEEDS/PROBLEMS/COMMENTS: <u>Page 9</u> is the related <i>Estate of David K. Lowe</i> , son of this Decedent.
Cont. from	Letters issued on 8/11/2014.	
Aff.Sub.Wit.	Pursuant to Probate Code § 8800(b) , <i>Final Inventory and Appraisal</i> was filed 1/29/2015 showing an estate value of \$170,799.35 .	1. <i>Case Status Report</i> filed on 9/25/2015 is not verified pursuant to Probate Code § 1021, CA Rule of Court 7.103 and Local Rule 7.5.
Verified	X	
Inventory		
PTC		
Not.Cred.	Pursuant to Probate Code § 12200 , first account and/or petition for final distribution was due 8/11/2015 .	2. <i>Inventory and Appraisal</i> filed 1/29/2015 appears to contain an error at Item 5(a) stating that the property tax certificate requirements are not applicable because the Decedent owned no real property in California at the time of death, which is contradicted by the fact that <i>Attachment 2</i> of the <i>Inventory and Appraisal</i> lists real property as an asset of Decedent's estate. It appears the Administrator will need to satisfy the property tax certificate requirements by the time of the final accounting.
Notice of Hrg		
Aff.Mail		
Aff.Pub.	Minute Order dated 7/31/2014 from the hearing on the petition for letters of administration set this status hearing on 10/1/2015 for filing of the first account and/or petition for final distribution.	
Sp.Ntc.		
Pers.Serv.		
Conf. Screen	Case Status Report filed 9/25/2015 states:	
Letters	<ul style="list-style-type: none"> Petitioner Alan W. Lowe had a major stroke in July 2015 and is still recovering; Estate administration has been delayed; however, progress is being made; The residential property in the estate has been re-roofed and is being readied for sale; Estate debts will be paid from the sale proceeds and the estate can be closed; This should be accomplished by the spring of 2016. 	
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202 Order		
Aff. Posting		Reviewed by: LEG
✓ Status Rpt		Reviewed on: 9/28/15
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 8 – Lowe

Attorney Lowe, Gregory R., of Santa Barbara (for Administrator Alan W. Lowe)

Probate Status Hearing Re: First Account and Petition for Final Distribution

DOD: 10/14/2013	ALAN W. LOWE , brother, was appointed Administrator with Full IAEA authority without bond on 8/12/2014.	NEEDS/PROBLEMS/COMMENTS:
Cont. from	Letters issued on 8/13/2014.	
Aff.Sub.Wit.	Pursuant to Probate Code § 8800(b) , <i>Final Inventory and Appraisal</i> was filed 1/29/2015 showing an estate value of \$160,339.00 .	3. <i>Case Status Report</i> filed on 9/25/2015 is not verified pursuant to Probate Code § 1021, CA Rule of Court 7.103 and Local Rule 7.5.
Verified	X	
Inventory		
PTC		
Not.Cred.	Pursuant to Probate Code § 12200 , first account and/or petition for final distribution was due 8/13/2015 .	4. <i>Inventory and Appraisal</i> filed 1/29/2015 appears to contain an error at Item 5(a) stating that the property tax certificate requirements are not applicable because the Decedent owned no real property in California at the time of death, which is contradicted by the fact that <i>Attachment 2</i> of the <i>Inventory and Appraisal</i> lists real property as an asset of Decedent's estate. It appears the Administrator will need to satisfy the property tax certificate requirements by the time of the final accounting.
Notice of Hrg		
Aff.Mail		
Aff.Pub.	Minute Order dated 7/31/2014 from the hearing on the petition for letters of administration set this status hearing on 10/1/2015 for filing of the first account and/or petition for final distribution.	
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp	Case Status Report filed 9/25/2015 states:	
Objections	<ul style="list-style-type: none"> Petitioner Alan W. Lowe had a major stroke in July 2015 and is still recovering; Estate administration has been delayed; however, progress is being made; The sale boat in the estate has been sold; Estate debts will be paid from the sale proceeds and the estate can be closed; This should be accomplished by the spring of 2016. 	
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: LEG
✓ Status Rpt		Reviewed on: 9/28/15
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 9 – Lowe

DOD: 5-29-12		LORI SHIBATA , Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Page A is Trustee Lori Shibata's Petition for Instructions. Page B is Trustee Lori Shibata's First Account. <u>Minute Order 9/10/15</u> : Mr. Rube represents that resolution discussions have been occurring; requests time to finalize the agreement. Note : On 7/9/15, the Court deferred its decision as to Ms. Lee's filing fees (for objections to both petitions) until it is determined if Ms. Lee is entitled to any compensation from the underlying action. Attorney Rube's status report filed 9/9/15 states : The trustee provided the documents requested by Mr. Knudson. The Wells Fargo checking acct has a balance of \$3,204.51 and savings has a balance of \$1,303.24. There are no other liquid assets in the trust. The estimated cost to repair the residence is approx. \$14,000 (estimate attached). The parties, by and through counsel only, have met in order to try to resolve the matter. Petitioner has offered to deed the subject real property over to respondent and terminate the trust. Petitioner does not want to try this case as there is no money to litigate further. If respondent is unwilling to accept the house "as is" and terminate the trust then Petitioner is willing to submit on the verified petition, objections, account, etc., for the court's decision. 1. Petitioner requests costs. The Court may require clarification or itemization. 2. Need order.
Cont from 111314, 031815, 041615, 052115, 070915, 091015 <input type="checkbox"/> Aff.Sub.Wit. <input checked="" type="checkbox"/> Verified <input type="checkbox"/> Inventory <input type="checkbox"/> PTC <input type="checkbox"/> Not.Cred. <input checked="" type="checkbox"/> Notice of Hrg <input checked="" type="checkbox"/> Aff.Mail W <input type="checkbox"/> Aff.Pub. <input type="checkbox"/> Sp.Ntc. <input type="checkbox"/> Pers.Serv. <input type="checkbox"/> Conf. Screen <input type="checkbox"/> Letters <input type="checkbox"/> Duties/Supp <input checked="" type="checkbox"/> Objections <input type="checkbox"/> Video Receipt <input type="checkbox"/> CI Report <input type="checkbox"/> 9202 <input type="checkbox"/> Order x		<p>Petitioner states: Michael A. Lee established the Michael A. Lee Declaration of Trust dated 5-27-11 and was the initial trustee until his death on 5-29-12. The Trust is now irrevocable.</p> <p>The sole remainder beneficiary of the trust is Alyssa Lee, who is currently 20 years old. The trust provides that all remaining assets of the trust are to be held in trust for the benefits of Alyssa Lee, with income to be used for her support, including educational, medical, dental, hospital, and nursing expenses. One half of the trust's assets are to be distributed to Ms. Lee at age 30, free of trust, and the other half are to be distributed to Ms. Lee, free of trust, at age 35.</p> <p>Petitioner states the only assets of the trust are a Wells Fargo checking account containing approx. \$18,000.00 and residential real property in Fresno appraised at \$140,000.00. The trust's only income is the interest earned on the checking account, which is negligible at best. The residential real property is vacant and in very poor condition and cannot be rented until deferred maintenance is done and substantial repairs are made. Monthly expenses including utilities and gardening amount to approx. \$165 per month or \$1,980 per annum. Property taxes for 2013 amounted to \$1,502.28 annually or approx. \$125 per month. Expenses to provide for the care of Ms. Lee in compliance with the trust consist of the payment of her health insurance premiums of \$281 per month or \$3,372 per year.</p> <p>On 3-5-13, Robyn L. Esraelian, attorney for Petitioner, sent a Notice of Proposed Action Pursuant to Probate Code §16500 to Ms. Lee informing her of Petitioner's proposed action to list the property for sale. However, Ms. Lee objected in writing to the sale.</p>	
<input type="checkbox"/> Aff. Posting <input type="checkbox"/> Status Rpt <input type="checkbox"/> UCCJEA <input type="checkbox"/> Citation <input type="checkbox"/> FTB Notice		<p align="center">SEE ADDITIONAL PAGES</p>	<p>Reviewed by: skc</p> <p>Reviewed on: 9/28/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 10A – Lee</p>

Page 2

Petitioner states the trust does not contain enough liquid assets to pay the maintenance and repairs on the home to make it habitable and income-producing, to pay current trustee's fees, and to meet the monthly obligations associated with the residence and the beneficiary. If repairs are made, the residence could probably only be rented for no more than \$950/month, which would not generate enough income to pay the monthly expenses as outlined above and ongoing costs of administration such as property management fees and trustee's fees, and would certainly not generate enough income to fulfill the intent of the Trustor.

Petitioner states selling the subject residence and investing the net sales proceeds would generate sufficient principal and income to fulfill the intent of the Trustor to provide for Ms. Lee as set forth in Article Five, Paragraph C of the Trust.

Petitioner prays for an order:

- 1. Directing her, as Successor Trustee of the Michael A. Lee Declaration of Trust, to sell the residential real property located at 773 E. Ellery in Fresno, CA;**
- 2. For costs herein; and**
- 3. For such other orders as the Court may deem proper.**

Beneficiary Alyssa Lee filed an Objection on 12-12-14. Ms Lee states she is aware of the condition of the residence and cost to maintain it, and has proposed that she or a family member be allowed to live there at a fair rental value. Respondent believes rent of \$1100/month, offset by utilities and gardening, would result in a net rental income to the trust of \$800-900, which would generate income for payment of taxes and insurance. Respondent believes that at a reasonable rental, a tenant would be responsible for gardening and property maintenance and would pay their own utilities, eliminating those expenses for the trust. Respondent also believes the sum of \$151,000 is less than fair market value, even considering the necessary repairs. Zillow.com shows the current value at \$185,000.

The residence was Respondent's father's residence and is a very meaningful property to her. She has offered to handle repairs, maintenance and upkeep, through rental, but the trustee continues to refuse to consider the beneficiary's wishes and/or cooperate with her in maintaining the residence. See email communications.

The actions of the trustee in failing to consider the wishes of the beneficiary and adopting an authoritarian and imperious attitude raise the issue of whether the trustee is in violation of the "Duty of Loyalty" Probate Code §16002(a) which requires that a trust be administered solely in the interest of the beneficiaries.

Respondent states sale of the residence resulting in proceeds to be invested over time exposes the trust to market risk. Respondent doesn't believe that a sale would further the interests of the Trustor in providing for Respondent as beneficiary. The Trustor, Michael Lee, was Respondent's father. She has a strong emotional attachment to the residence, and would like it maintained and preserved.

Respondent states she has requested information concerning the assets of the trust, but to date has received no specific or verifiable responses from the trustee about certain issues, including account balances at her father's death. Accounting information shows round numbers, but source documents have not been provided, and bank accounts seldom have round numbers. Respondent has requested information concerning personal property passing to her and her brother, and prepared a list of items known, but the trustee has failed to respond to her request for information.

SEE ADDITIONAL PAGES

Page 3

Respondent states her father had a truck that is not shown as an asset of the trust. Prior to his death, her father made statements that, "they took my car." No information has been provided regarding the vehicle.

Respondent states she was advised that at or about the time of his death, her father had placed \$40,000 in two envelopes, \$20,000 each, for each of his children. Respondent has requested information regarding those envelopes, but the trustee has failed to provide information, although the trustee has acknowledged that the envelopes existed. This money should be accounted for as trust asset.

Counsel for the trustee has twice provided accounting information about the trust. In fall of 2012, following the Trustor's death, information was provided regarding accounts and expenses incurred by the trustee (attached). In January 2014, an "informal accounting" provided additional documentation of transactions through the end of 2013. Total cash at that point was \$30,882.88. This petition indicates assets have decreased to \$18,000. The accounting is not prepared in the form prescribed by the Probate Code and failed to show the required information.

Accordingly, Respondent requests the trustee prepare an accounting in the form prescribed by law. Respondent also requests the Court review the appropriateness of the fees charged by the trustee (\$60/hour or \$5,185.20).

Petitioner requests reimbursement for costs. Respondent believes costs may be payable by the trust.

Respondent requests that:

- 1. The Court deny the petition for instructions in so far as it requests authority to list and/or sell the property and instruct the trustee to maintain and rent the residence at an appropriate rental;**
- 2. That the trustee be ordered to provide additional information concerning the trust assets and administration issues, together with additional information concerning the trust assets;**
- 3. That the trustee be ordered to file and serve on the beneficiary a revised accounting showing the assets on hand at date of death, remaining as of closing of the accounting, and to bring the account current through a date not less than 60 days prior to the rendering of the revised accounting;**
- 4. That the Court review the trustee's requested compensation;**
- 5. That the trustee's request for costs be denied; and**
- 6. For all other and proper orders.**

Atty Rube, Melvin K. (for Lori Shibata – Trustee – Petitioner)
Atty Knudson, David N. (for Alyssa Lee – Beneficiary – Objector)

First Account Current and Report of Trustee, Petition for Trustee Fee and for Settlement of First Account Current

DOD: 5/29/12		LORI SHIBATA , Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
			Minute Order 9/10/15: Mr. Rube represents that resolution discussions have been occurring; requests time to finalize the agreement.
Cont from 041615, 052115, 070915, 091015		Account period: 5/29/12 -12/31/14	Note: On 7/9/15, the Court deferred its decision as to Ms. Lee's filing fees (for objections to both petitions) until it is determined if Ms. Lee is entitled to any compensation from the underlying action.
		Accounting: \$222,217.13 Beginning POH: \$217,835.61 Ending POH: \$153,215.26 (\$13,215.26 cash plus residential real property valued at \$140,000.00)	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	Trustee fee: \$3,870.00	
<input type="checkbox"/>	Inventory	Petitioner has been paid \$5,185.20 for services through 12-31-13 and requests \$3,870.00 for services from 1/1/14 through 12/31/14.	
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Trustee reimbursement: \$428.94	
<input checked="" type="checkbox"/>	Aff.Mail	Exhibit B-2 itemizes expenses including bills, travel, services. Receipts also attached.	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.	Petitioner states she has made disbursements for the maintenance of the residence owned by the trust and for the support and maintenance of Alyssa Lee and her minor daughter Ariana. Petitioner, upon taking over as trustee, determined that the real property owned by the trust was not in a condition to be rented to a third party. The cost to repair is approx. \$15,000.00. See inspection report attached. In addition, the sewer is in need of repair to make the real property habitable, which additional cost is \$1,200-\$1,400.	
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input checked="" type="checkbox"/>	Objections	Rent would likely be approx. \$950/month. With the cost of property taxes, insurance, manager, yard care, and general maintenance, and health insurance premiums, there would not be sufficient funds to provide for the support and maintenance of the beneficiary and her minor child. See breakdown. The decedent intended that income to the trust was to be used to provide for Alyssa Lee until she was 35. Decedent as trustor authorized the invasion of principal (i.e., the sale of the residence) to accomplish this goal. The primary goal was not to allow Alyssa to live in the house, but to provide income until she reached 35.	
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
SEE PAGE 2			
			Reviewed by: skc
			Reviewed on: 9/28/15
			Updates:
			Recommendation:
			File 10B- Lee

Page 2

Petitioner states she has delivered all personal property to Alyssa Lee as requested, and is unaware of any other personal property referred to by Alyssa Lee. Petitioner has responded to requests for "missing property" on numerous occasions and has advised her that there is no other personal property and nothing has been removed from the home other than the items taken by Alyssa Lee and her mother and brother. Petitioner has responded to Alyssa Lee's inquiries re the truck on several occasions. See Exhibits D-1 and D-2 which show the transfer of the truck to the decedent's parents.

The decedent withdrew money from his checking account prior to his death and delivered the cash to his father. At the time, there was no written instruction as to the disposition of the cash. Therefore, upon his death, his father delivered the cash to Petitioner to deposit to the trust.

Petitioner prays for an order as follows:

- 1. Approving, allowing, and settling the First Account;**
- 2. Authorizing the trustee fees and reimbursement;**
- 3. For such other and further relief as the Court considers proper.**

Objections filed 5-7-15 by Alyssa Lee, Beneficiary, state the primary asset of the trust is the residence on Ellery in Fresno. From the time of her father's death, Alyssa has repeatedly requested that the house be retained for her eventual use and benefit, but the trustee has rejected those claims and assertions, even when provided information and an agreement by beneficiary and other family members to maintain the residence. Twice she has sought to sell the house by giving notice of proposed action; both times Alyssa has objected. Alyssa also objected to the Petition for Instructions, requesting additional information and an accounting. Alyssa now makes the following objections:

1. Trustee's Fees. The trustee's fees as reported and requested are excessive, both fees already paid, and fees for which approval is requested. Objector specifically references travel time, rate of approx. \$70.36/hr, and food purchases for two persons.
2. Attorney's Fees. While Objector acknowledges that the trustee is entitled to representation and advice in administration of the trust, there is no showing that the attorney's fees incurred were for the benefit of the trust and the beneficiary. Given the circumstances and the overall situation of the trust, it appears the trustee is incurring excessive attorney fees that are not in the best interest of the trust or its beneficiaries.

SEE ADDITIONAL PAGES

Page 3

3. Trustee is not administering the trust in the best interest of the beneficiary and has refused to consider the beneficiary's requests, unilaterally interposing her own will in spite of requests by the beneficiary. Objector believes the Trustee has thwarted and attempted to destroy or remove any memories or links to her father. She was not advised of nor given the opportunity to attend the memorial service; she was not invited to go with the trustee and other family members on a chartered boat trip to dispose of his ashes. See accounting for documentation of funds spent on these events, including boat, luncheon for "Mike's family," limousine service, etc. Various items of jewelry that her father held for in the residence were not given to her, nor has the trustee been accommodating in seeking their return from family members who may have taken them. Prior to his death, Michael Lee was working on remodeling and refurbishing the house. There were various materials, including shelving, flooring, in the house. However, the trustee refused to proceed with any of the work and told Objector and/or Objector's mother that those items would be given away or thrown away. As the materials amounted to a substantial investment, the items were removed and are in storage at Objector's residence to be installed in the Ellery residence.

Objector and her mother also proposed the house be rented to a family member at \$850/month, with the family member to pay for water, garbage, lawn care, but in an email to Objector's mother Elizabeth Rocha-Lee, the trustee displayed a condescending and unyielding attitude. The trustee characterized the proposed rental as sub-par, even though this was an amount determined with reference to deductions for property management fees and other costs based on information provided by the trustee.

Alyssa also presented estimates for repair, which were discarded and discounted by the trustee. Now, after the trust has dissipated more than \$10,000 of available trust cash in carrying costs on the residence, payment of attorney's fees, and trustee's fees for trips back and forth to Fresno, Ms. Shibata now states the trust does not have the money to place the residence in rentable condition. At the time these proposals were made in 2013, there was and would have been sufficient cash to repair the residence with the assistance of the beneficiary and other family members who have an interest in preserving and maintaining it – an interest that the trustee does not share.

Accordingly, the trustee's actions with respect to the residence have not been in the beneficiary's interest, nor consistent with her wishes for preservation of the residence for her eventual long term use and enjoyment.

4. Trustee has been uncommunicative and uncooperative.
- In May 2012, the trustee opened an account for Alyssa's benefit, and deposited \$500 into it. However, when Alyssa withdrew the funds for her use, as provided by the terms of the trust, the trustee refused to deposit more funds and then closed the account.
 - The trustee persuaded to and did provide Kaiser medical insurance for the beneficiary; however, Alyssa does qualify for Medi-Cal and may determine that private medical insurance is no longer required. Alyssa has a young daughter, who, when born was also covered under Kaiser insurance, however, when that daughter was eligible for Medi-Cal, Alyssa requested that Kaiser for the child be cancelled. The trustee, however, misunderstood and sought to cancel Alyssa's medical insurance.

SEE ADDITIONAL PAGES

Page 4

- c. Other than paying the premiums on the medical insurance, the only benefit the trustee has provided to Alyssa was paying \$376.83 for a stroller, car seat and pay pen for the infant.
- d. The trustee has committed waste. In various communications, a shed was listed as being at the residence, but when the shed disappeared, she claimed she had no knowledge of it. Decedent was known to have had a number of tools, yet upon his death they could not be found. Alyssa believes Lori Shibata permitted other family members (Mike's siblings and parents) free access to the house.

Prior to his death, the decedent made statements to his wife and daughter that "they took my truck." When asked, Lori Shibata stated the truck had been given to his father or other family members. Now documentation appended to the account indicates the Toyota Tacoma was sold for \$1,000 to Raymond Yee, which Alyssa believes is far less than its fair market value.

Other instances of neglect and waste: the account shows the trustee had to address squatters in the residence. Objector previously advised the trustee that the locks were not working, but she did not replace them. Offers of assistance by Alyssa, her mother, and other family members to look after the residence or assist with its care have been rejected. As a result, it has not generated any income.

- e. The trustee has not satisfactorily explained the "missing \$40,000.00." See Objection for details.
5. Objector states the trust is ambiguous; it was not the decedent's intent that the residence be sold. Also, Article II claims no provision was made for Elizabeth D. Rocha Lee and/or Ramon Lee; however, Article 5a provides that personal effects, automobiles, and personal property are to be distributed to his children. The assets of the trust are to be retained with distributions to Alyssa one half at age 30 and the balance at age 35, however, the trust has generated less than \$100 of income during the last two years. The Trust is also ambiguous at Article V(g) which does not indicate any residual takers.

Accordingly, extrinsic evidence can and should be admitted to determine the trustor's intent in executing the trust document and what he meant to provide for his daughter Alyssa.

Objector requests that her objections be sustained, that the claimed charges be disallowed, that the trustee be surcharged for excessive and unnecessary trustee's fees and attorney's fees, that the request for approval of additional attorney's fees be denied, that the Court admit extrinsic evidence to construe the terms of the trust and the trustor's intent in providing for the beneficiary, that the trustee be instructed to provide additional information and seek additional information concerning the assets described herein, that the trustee be instructed to cooperate with the beneficiary to attempt to implement a plan by which the residence may be maintained to generate income for the beneficiary and ultimately for her use and benefit, and for all other and proper orders.

See also Declaration of Elizabeth Rocha-Lee in support of objections.

Probate Status Hearing re: Filing Inventory & Appraisal

DOD: 11/28/14	CRAIG COSTI , brother, was appointed Administrator with full IAEA and bond set at \$100,000.00 on 2/19/15.	NEEDS/PROBLEMS/COMMENTS:
		1. Inventory and appraisal filed on 8/27/15 indicates it is a final inventory however #3 states the property listed along with all prior inventories filed is only a portion of the property that has come to petitioner's knowledge or possession. Petitioner must include all property that has come to petitioner's knowledge or possession.
Cont. from 061815	Bond was filed on 1/26/15.	
Aff.Sub.Wit.	Letters issued on 2/23/15.	
Verified		
Inventory	I & A, corrected partial no. 1 was filed on 7/16/15 showing a value of \$330,000.00.	
PTC		
Not.Cred.		
Notice of Hrg	I & A, final was filed on 8/27/15 showing a value of \$341,928.16.	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 9/30/15
		Updates:
		Recommendation:
		File 11 - Costi

12A

Ariel Wagner (GUARD/P)

Case No. 15CEPR00511

Attorney
PetitionerKharazi, H. Ty (for Kathy and Ronald Robinson – Paternal Grandparents – Petitioners)
Rose, Emanuel and Betty (Pro Per – Maternal Grandparents – Competing Petitioners)
Petition for Appointment of Guardian of the Person (Prob. Code §1510)

		See petition for details.	NEEDS/PROBLEMS/COMMENTS: <u>Minute Order 5/26/15:</u> Mr. and Mrs. Rose will be filing a competing petition, and counsel states that upon approval of that petitions, his clients will withdraw their petition. Temporary guardianship is granted to the Robinsons today with the understanding that the child will be residing in the Roses' home. The Court orders that there be no unsupervised visits for either parent. <u>Minute Order 9/16/15:</u> All parties are ordered to be personally present in court on 10/1/15 or the Court will consider sanctions in addition to moving forward with orders. 1. If this petition goes forward, need proof of personal service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 on: - Chambrosia Stevens-Wagner (Mother) <u>Note:</u> Petitioners filed a declaration of due diligence; however, the petition states she is known to be incarcerated in the LA County Jail.	
Cont. from 071515, 091615				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			X
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			X
	Clearances			X
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
Reviewed by: skc				
Reviewed on: 9/28/15				
Updates:				
Recommendation:				
File 12A – Wagner				

12A

12B

Ariel Wagner (GUARD/P)

Case No. 15CEPR00511

Attorney
PetitionerKharazi, H. Ty (for Kathy and Ronald Robinson – Paternal Grandparents – Petitioners)
Rose, Emanuel and Betty (Pro Per – Maternal Grandparents – Competing Petitioners)
Petition for Appointment of Guardian of the Person (Prob. Code §1510)

		See petition for details.	NEEDS/PROBLEMS/COMMENTS: <u>Minute Order 9/16/15:</u> All parties are ordered to be personally present in court on 10/1/15 or the Court will consider sanctions in addition to moving forward with orders. <u>Note:</u> The minor is currently residing with these Petitioners, Emanuel and Betty Rose, in Llano, California; however, Kathy and Ronald Robinson have temporary guardianship, expiring 9/16/15. See Minute Orders dated 5/26/15, 7/15/15. 1. Need Confidential Guardian Screening Form (GC-212) for both petitioners Emmanuel Rose and Betty Rose. 2. Need proof of personal service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 on: - Chambrosia Stevens-Wagner (Mother) - Joseph Grant Robinson (Father) 3. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 on: - Ronald Robinson (Paternal Grandfather) - Kathy Robinson (Paternal Grandmother) <u>Note:</u> Petitioners mailed service to the Robinsons' attorney, H. Ty Kharazi, on 6/4/15; however, direct notice is required on the relatives of the child in addition to service on counsel pursuant to Probate Code §§ 1511, 1214, Cal. Rule of Court 7.51.	
Cont. from 071515, 091615				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input type="checkbox"/>	Aff.Mail			X
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			X
<input checked="" type="checkbox"/>	Conf. Screen			X
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			X
<input type="checkbox"/>	Clearances			X
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input checked="" type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 9/28/15	
			Updates: 9/15/15	
			Recommendation:	
			File 12B - Wagner	

12B

Dept. 303, 9:00 a.m. Thursday, October 01, 2015

**Amended Petition for Letters of Administration. Authorization to Administer
under the Independent Administration of Estates Act**

DOD: 5/26/15		<p>JOHN DARK, creditor, is petitioner and request appointment as Administrator with bond set at \$55,000.00.</p> <p>Full IAEA – o.k.</p> <p>Decedent died intestate.</p> <p>Residence: Fresno Publication: Fresno Business Journal</p> <p>Estimated value of the estate: Real property- \$55,000.00</p> <p>Probate Referee: Rick Smith</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need proof of service of the Notice of Petition to Administer the estate on the person or persons having legal custody, (and with whom she resides), of the minor beneficiary, Sydney Benlien. California Rules of Court, Rule 7.51(d). 2. #5a(3) or 5a(4) of the petition was not answered re: registered domestic partner. 3. #5a(7) or 5a(8) of the petition was not answered re: issue of predeceased child. <p>Note: If the petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Wednesday, November 4, 2015 at 9:00 a.m. in Department 303, for the filing of the bond. • Wednesday, February, 24, 2016 at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal. • Wednesday, November 30 2016 at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.</p>	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			W/
<input checked="" type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
		<p>Reviewed by: KT</p> <p>Reviewed on: 9/28/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 14 – Benlien</p>		

Attorney Triff, Deloise E., of Garden Grove (for Deloise E. Kochevar)

Spousal or Domestic Partner Property Petition

DOD: 12/8/2010	DELOISE E. KOCHEVAR , surviving spouse, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		1. Item 4(c) of the <i>Petition</i> is incomplete re: whether Decedent was intestate or testate, and if testate, a copy of Decedent's Will must be attached to the <i>Petition</i> . Decedent's original Will was deposited with the Court on 3/28/2014; however, a copy of the Will has not been attached to the <i>Petition</i> as required, and the <i>Petition</i> requires an answer.
Cont. from	No other proceedings.	2. Need <i>Notice of Hearing</i> and proof of service by mail of the <i>Notice of Hearing</i> pursuant to Probate Code § 13655(a)(2) for all persons listed in Item 9 of <i>Petition</i> , as follows:
<input type="checkbox"/> Aff.Sub.Wit.		<ul style="list-style-type: none"> • SEAN ROBERTS • RISA ROBERTS • Decedent's predeceased child not listed in Item 9 of the <i>Petition</i>.
<input checked="" type="checkbox"/> Verified		
Inventory	Need copy of Decedent's Will	~Please see additional page~
PTC		
Not.Cred.	Petitioner states no facts (per Item 7 of the <i>Petition</i>), upon which Petitioner bases the allegation that the property described in <i>Attachment 7(a)</i> and <i>7(b)</i> is property that should be confirmed to the Petitioner as surviving spouse.	Reviewed by: LEG
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail		Reviewed on: 9/29/15
Aff.Pub.		Updates:
Sp.Ntc.		Recommendation:
Pers.Serv.	Petitioner requests Court determination that ½ interest in real property located at 4286 W. Cardiff Ave., Fresno, passes to her, and Court confirmation that ½ interest in the real property belongs to her.	File 15 – Kochevar
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order	<input checked="" type="checkbox"/>	
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

NEEDS/PROBLEMS/COMMENTS, continued:

3. Item 5(a)(2) of the *Petition* is marked to indicate that Decedent is survived by issue of a predeceased child. However, Item 9 of the *Petition* does not list the name and date of death of Decedent's predeceased child pursuant to Local Rule Local Rule 7.1.1(D).
4. Need *Attachment 7* to the *Petition* describing sufficient facts pursuant to Probate Code § 13651(a)(3) and (4), upon which the Petitioner bases the allegation that the subject property should be determined as passing to, and confirmed as belonging to, the Petitioner as the surviving spouse of Decedent, in order for the Court to determine that the subject property listed in *Attachment 7(a)* and *7(b)* is community property passing to Petitioner.
5. Item 9 of the *Petition* does not state the relationships to Decedent of the persons listed.
6. Need *Attachment 11* to the *Petition* listing the names and addresses of all persons interested in the Trust that is a devisee under Decedent's Will, who are entitled to notice under Probate Code § 13655(a)(2).
7. Need proposed order pursuant to Local Rule 7.1.1(F) which provides a proposed order shall be submitted with all pleadings that request relief.

DOD: 01/13/2015		KELLY HOOD , is petitioner and requests appointment as Executor without bond.	NEEDS/PROBLEMS/COMMENTS:
		Full IAEA - ?	The deficiencies with the pleadings include, but are not limited to, the following:
Cont. from		Will dated: 08/02/2007	1. Petitioner is not listed on #8 of the petition as required and it is unclear what the relationship is to the decedent.
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	Residence: Fresno Publication: Need	2. Need copy of the will attached to the Petition.
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	<u>Estimated value of the Estate:</u> Unknown	3. Need date of death of the deceased spouse pursuant to Local Rule 7.1.1D.
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Probate Referee – Rick Smith	4. Need Affidavit of Publication.
<input checked="" type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.	x	5. #5a(3) or #5a(4) was not answered regarding a registered domestic partner.
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		6. #5a(7) or #5a(8) was not answered regarding issue of predeceased child.
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		<u>Please see additional page for Status Hearings</u>
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		Reviewed by: LV
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		Reviewed on: 09/28/2015
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		Updates:
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		Recommendation:
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		File 18 – Pillor
<input type="checkbox"/>	FTB Notice		

Note: If the petition is granted status hearings will be set as follows:

- **Thursday, 03/03/2016 at 9:00a.m. in Dept. 303** for the filing of the inventory and appraisal **and**
- **Thursday, 12/01/2016 at 9:00a.m. in Dept. 303** for the filing of the first account and final distribution.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under the Independent Administration of Estates Act

DOD: 9/26/14	THOMAS RUFF , named executor without bond, is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Will is not witnessed. Probate Code §6110(c)(1) states, "except as provided in paragraph (2), the will shall be witnessed by being signed, during the testator's lifetime, by at least two persons each of whom (A) being present at the same time, witnessed either the signing of the will or the testator's acknowledgment of the signature and (B) understand that the instrument they sign is the testator's will.: Paragraph (2) provides, "If a will was not executed in compliance with paragraph (1), the will shall be treated as if it was executed in compliance with that paragraph if the proponent of the will establishes by clear and convincing evidence that, at the time the testator signed the will, the testator intended the will to constitute the testator's will." Petitioner provides no evidence that the testator signed the will and that the testator intended the will to constitute the testator's will. 2. Need name and date of death of deceased spouse. Local Rule 7.1.1D. 3. #5a(7) or 5a(8) of the petition was not answered re: issue of predeceased child.
	Full IAEA – o.k.	
	Will dated: 9/24/14	
Cont. from	Residence: Fresno Publication: Fresno Business Journal	
<input type="checkbox"/> Aff.Sub.Wit.	X	
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	W/	
<input checked="" type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: KT Reviewed on: 9/28/15 Updates: Recommendation: File 20 – Carey

Note: If the petition is granted, status hearings will be set as follows:

- **Wednesday, February, 24, 2016** at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal.
- **Wednesday, November 30 2016** at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.

21 Maria Madrigal (CONS/PE)**Case No. 15CEPR00846****Attorney: Heather H. Kruthers (for Petitioner/Public Guardian)****Attorney: Deborah Boyett (Court appointed for Conservatee)****Petition for Appointment of Probate Conservator**

			THERE IS NO TEMPORARY. No Temporary was requested. PUBLIC GUARDIAN is petitioner and requests appointment as conservator of the person and estate. Please see petition for details. Report of Court Appointed Attorney, Deborah Boyett filed on 9/28/15 Court Investigator Report filed on 9/28/15	NEEDS/PROBLEMS/COMMENTS: Court Investigator Advised Rights on 9/11/15. Voting Rights Affected need Minute Order. 1. Mateo Madrigal, son, is listed as address unknown. Need declaration of due diligence. <u>Note:</u> If the petition is granted, status hearings will be set as follows: <ul style="list-style-type: none"> Wednesday, January 13, 2016 at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal. Wednesday, December 7, 2016 at 9:00 a.m. in Department 303, for the filing of the first account. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail	W/		
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input checked="" type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Screen			
<input checked="" type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input checked="" type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input checked="" type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
			Reviewed by: KT	
			Reviewed on: 9/29/15	
			Updates:	
			Recommendation:	
			File 21 – Madrigal	

DOD: 09/16/13	CRAIG GAMMEL , nephew, was appointed as Administrator with full IAEA and bond set at \$270,000.00 on 04/15/14. Bond was filed 02/07/14 and Letters were issued on 05/20/14. Inventory & Appraisal, Final, filed 12/17/14 - \$418,244.00 Inventory & Appraisal, Corrected, filed 03/30/15 - \$465,561.00	NEEDS/PROBLEMS/COMMENTS: <p style="text-align: center;"><u>OFF CALENDAR</u> First & Final Account filed 09/17/15 and set for hearing on 11/02/15</p>
Cont. from 072315, 090315, 091715		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
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Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
Reviewed by: JF		
Reviewed on: 09/28/15		
Updates:		
Recommendation:		
File 24 – Gammel		

Attorney
Attorney
Attorney
Attorney

Krbechek, Randolph (for Kismet Burroughs – Son – Petitioner)
Boyett, Deborah K. (Court appointed for Proposed Conservatee)
Horton, Lisa (for Paulette Adams – Sister – Objector)
Kruthers, Heather (for Public Guardian)

**Probate Status Hearing RE: Ex Parte Request for Appointment of the
Public Guardian and Proof of the Public Guardian's Control of the Assets**

	KJISMET BURROUGHS , Son, filed a petition for appointment as conservator of the person and estate on 3/17/15.	NEEDS/PROBLEMS/COMMENTS: 1. Need status report re control of assets.
	On 6/22/15, the Court appointed the Public Guardian as Temporary Conservator of the Person only.	
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	Minute Order 9/17/15 states: Ms. Boyett reports to the Court that Shirley Adams is in a dire health circumstance and that her bank account is being accessed without the authorization of Ms. Adams. The Court inquires of Paulette Adams as to whether or not she is removing the funds; she represents that she is not, but she has received alerts that \$500.00 was removed on the 13 th , 14 th , and 15 th , for a total of \$1,500.00 thus far. The Court also inquires of Victoria Burroughs, who states she is not removing the funds either, but represents that Melissa Walker has access to the account. Ms. Boyett requests that the Public Guardian be appointed forthwith. Mr. Krbechek requests dismissal of his petition. The Court appoints the Public Guardian as Temporary Conservator forthwith, and orders the Public Guardian to take possession and control of all assets of Shirley Adams immediately.	
	The Court set this status hearing re proof of PG control of the assets.	
		Reviewed by: skc
		Reviewed on: 9/28/15
		Updates:
		Recommendation:
		File 25 - Adams

Petitioner Toews, Jerri Mae (Pro Per – Daughter – Petitioner)
 Objector Abell, Laura (Pro Per – Daughter – Objector)
 Objector Loyd, Doreese (Pro Per – Daughter – Objector)

Petition for Appointment of Temporary Conservator of the Person and Estate

See petition and objections for details.			NEEDS/PROBLEMS/COMMENTS: Court Investigator advised rights on 9/22/15 1. Need Notice of Hearing. 2. Need proof of personal service of Notice of Hearing with a copy of the temp petition at least five court days prior to the hearing per Probate Code §2250(e) on Proposed Conservatee Jacquelyn Mae Everitt. 3. Need proof of service of Notice of Hearing with a copy of the temp petition at least five court days prior to the hearing per Probate Code §2250(e) on: - Doreese D. Loyd (Daughter) - Laura R. Everitt Abell (Daughter) 4. Need Order, Letters. (The order provided is for guardianship rather than conservatorship.)
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	x	
	Aff.Mail	x	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	x	
✓	Conf. Screen		
	Letters	x	
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
	9202		
	Order	x	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 9/29/15
			Updates:
			Recommendation:
			File 26 – Everitt